

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:20-cv-00088-MR**

ROBERT TURNER,)
)
Plaintiff,)
)
vs.)
)
MECKLENBURG COUNTY JAIL,) **ORDER**
)
Defendant.)
)

THIS MATTER is before the Court *sua sponte*.

Pro se Plaintiff filed this action pursuant to 42 U.S.C. § 1983 while he was incarcerated at the Mecklenburg County Jail. [Doc. 1]. The Court recently mailed Plaintiff an Order granting his Application to proceed *in forma pauperis* that was returned as undeliverable with a notation stating “not in custody.” [Doc. 8]. In an Order issued August 28, 2020, Plaintiff was granted 14 days to update his address of record and inform the Court whether he intends to proceed with this action. [Doc. 9]. He was cautioned that failure to comply would result in dismissal of this action without prejudice and the case’s closure without further notice. [Id.]. A copy of the Order was mailed to Plaintiff at his address of record, and it was returned as undeliverable. [Doc. 10].

Plaintiff has failed to comply with the Court's August 28, 2020 Order, and the time to do so has expired. Plaintiff appears to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that the Clerk of Court is directed to terminate this action.

IT IS SO ORDERED.

Signed: September 28, 2020



Martin Reidinger
Chief United States District Judge

